

REMARKS

Claims 1-43 stand rejected. Claims 1-43 remain pending in the patent application. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants believe that the amendments herein to the patent application do not add new matter to it.

35 U.S.C. §103 Rejections

Claims 1-6, 8, 9, 13-21, 23, 24, 28-36, 38, 42 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma, U.S. Patent Number 5,771,355 (hereinafter Kuzma), in view of Hoffert et al., U.S. Patent Number 5,903,892 (hereinafter Hoffert). Claims 7, 22 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Hsu et al., U.S. Patent Number 6,295,058 (hereinafter Hsu). Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Thurlow et al., U.S. Patent Number 6,457,879 (hereinafter Thurlow).

CLAIMS 1, 16 and 31

Applicants respectfully contend that Kuzma and Hoffert, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claims 1, 16 and 31. For instance, amended Claim 1 recites in part (emphasis added):

a sender client configured to send a location message comprising a recipient address, a handle to a media file, a preview of the media file, and a copyright indication for the media file;

Applicants respectfully assert that Kuzma and Hoffert, alone or in combination, fail to teach or suggest a location message that includes a preview of the media file as specifically recited in amended Claims 1, 16 and 31. For example, Kuzma is silent with regard to a preview. Moreover, Hoffert is silent with regard to a preview as well. Since Kuzma and Hoffert, alone or in combination, fails to teach or suggest at least one element recited in amended Claims 1, 16 and 31, Applicants respectfully contend that Kuzma and Hoffert cannot render amended Claims 1, 16 and 31 obvious. Therefore, Applicants respectfully submit that amended Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert.

CLAIMS 2, 3, 17, 18, 32 and 33

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above. As such, their respective dependent Claims 2, 3, 17, 18, 32 and 33 are also allowable over Kuzma in view of Hoffert.

Furthermore, Applicants respectfully contend that Kuzma and Hoffert, alone or in combination, do not teach or suggest subject matter recited within dependent Claims 2, 3, 17, 18, 32 and 33. For instance, Claim 2 recites in part (emphasis added):

wherein the sender client is selected from a personal video recorder, a personal computer, a workstation, a video camcorder and a personal digital assistant.

Applicants respectfully assert that Kuzma and Hoffert, alone or in combination, fail to teach or suggest the sender client is selected from a personal video recorder and a video camcorder, as specifically recited in Claims 2, 3, 17, 18, 32 and 33. Since Kuzma and Hoffert, alone or in combination, fail to teach or suggest elements recited in Claims

2, 3, 17, 18, 32 and 33, Applicants respectfully contend that Kuzma and Hoffert cannot render Claims 2, 3, 17, 18, 32 and 33 obvious. Therefore, Applicants respectfully submit that Claims 2, 3, 17, 18, 32 and 33 are allowable over Kuzma in view of Hoffert.

CLAIMS 4, 19 and 34

Applicants respectfully submit that amended independent Claim 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above. As such, their respective dependent Claims 4, 19 and 34 are also allowable over Kuzma in view of Hoffert.

Additionally, Applicants respectfully contend that Kuzma and Hoffert, alone or in combination, do not teach or suggest subject matter recited within dependent Claims 4, 19 and 34. For instance, Claim 4 recites in part (emphasis added):

wherein the server is selected from a personal video recorder, a personal computer, a workstation, an application service provider and a remote server accessed via an internet.

Applicants respectfully assert that Kuzma and Hoffert, alone or in combination, fail to teach or suggest that the server is selected from a personal video recorder and a workstation as specifically recited in Claims 4, 19 and 34. For example, Kuzma is silent with regard to a personal video recorder and a workstation. Moreover, Hoffert is silent with regard to a personal video recorder and a workstation as well. Since Kuzma and Hoffert, alone or in combination, fail to teach or suggest elements recited in Claims 4, 19 and 34, Applicants respectfully contend that Kuzma and Hoffert cannot render Claims 4, 19 and 34 obvious. Therefore, Applicants respectfully submit that Claims 4, 19 and 34 are allowable over Kuzma in view of Hoffert.

CLAIMS 5, 20 and 35

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above. As such, their respective dependent Claims 5, 20 and 35 are also allowable over Kuzma in view of Hoffert.

Moreover, Applicants respectfully contend that Kuzma and Hoffert, alone or in combination, do not teach or suggest subject matter recited within dependent Claims 5, 20 and 35. For instance, Claim 5 recites in part (emphasis added):

wherein the location message further comprises information selected from a title of the media file, a date stamp of the media file, a time stamp of the media file, and at least one text field.

Applicants respectfully assert that Kuzma and Hoffert, alone or in combination, fail to teach or suggest that the location message comprises information selected from a date stamp of the media file and a time stamp of the media file as specifically recited in Claims 5, 20 and 35. For example, both Kuzma and Hoffert are silent with regard to a date stamp of the media file and a time stamp of the media file within a location message. Since Kuzma and Hoffert, alone or in combination, fail to teach or suggest elements recited in Claims 5, 20 and 35, Applicants respectfully contend that Kuzma and Hoffert cannot render Claims 5, 20 and 35 obvious. Therefore, Applicants respectfully submit that Claims 5, 20 and 35 are allowable over Kuzma in view of Hoffert.

CLAIMS 8, 9, 23, 24 and 38

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above. As such, their respective dependent Claims 8, 9, 23, 24 and 38 are also allowable over Kuzma in view of Hoffert.

Furthermore, Applicants respectfully contend that Kuzma and Hoffert, alone or in combination, do not teach or suggest subject matter recited within dependent Claims 8, 9, 23, 24 and 38. For instance, Claim 8 recites in part (emphasis added):

wherein the protocol is selected from video mail input output (VMIO) transfer and control protocols, a protocol based Post Office Protocol 3 (POP3), a protocol based on a Simple Mail Transfer Protocol (SMTP), and a protocol based on a Hypertext Transfer Protocol (HTTP).

Applicants respectfully assert that Kuzma and Hoffert, alone or in combination, fail to teach or suggest video mail input output (VMIO) transfer and control protocols, a protocol based Post Office Protocol 3 (POP3), and a protocol based on a Simple Mail Transfer Protocol (SMTP) as specifically recited in Claims 8, 9, 23, 24 and 38. Since Kuzma and Hoffert, alone or in combination, fail to teach or suggest elements recited in Claims 8, 9, 23, 24 and 38, Applicants respectfully contend that Kuzma and Hoffert cannot render Claims 8, 9, 23, 24 and 38 obvious. Therefore, Applicants respectfully submit that Claims 8, 9, 23, 24 and 38 are allowable over Kuzma in view of Hoffert.

CLAIMS 13, 14, 15, 28, 29, 30 and 43

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above.

As such, their respective dependent Claims 13, 14, 15, 28, 29, 30 and 43 are also allowable over Kuzma in view of Hoffert.

Furthermore, Applicants respectfully contend that Kuzma and Hoffert, alone or in combination, do not teach or suggest subject matter recited within dependent Claims 13, 14, 15, 28, 29, 30 and 43. For instance, Claim 13 recites in part (emphasis added):

a connection from the sender client to the receiver client upon which the transfer of the media file occurs, the connection being selected from an Internet-based connection, a connection based on a Transmission Control Protocol / Internet Protocol (TCP/IP) and a connection based on a User Datagram Protocol (UDP).

Applicants respectfully assert that Kuzma and Hoffert, alone or in combination, fail to teach or suggest a User Datagram Protocol (UDP) as specifically recited in Claims 13, 14, 15, 28, 29, 30 and 43. Since Kuzma and Hoffert, alone or in combination, fail to teach or suggest an element recited in Claims 13, 14, 15, 28, 29, 30 and 43, Applicants respectfully contend that Kuzma and Hoffert cannot render Claims 13, 14, 15, 28, 29, 30 and 43 obvious. Therefore, Applicants respectfully submit that Claims 13, 14, 15, 28, 29, 30 and 43 are allowable over Kuzma in view of Hoffert.

CLAIMS 7, 22, and 37

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above. Since the present office action fails to assert that Hsu teaches or suggests the elements argued above with reference to amended Claims 1, 16, and 31, Applicants respectfully contend that their respective dependent Claims 7, 22, and 37 are also allowable over Kuzma, Hoffert, and Hsu.

CLAIMS 10-12, 25-27, and 39-41

Applicants respectfully submit that amended independent Claims 1, 16 and 31 are allowable over Kuzma in view of Hoffert based on the rationale discussed above. Since the present office action fails to assert that Thurlow teaches or suggests the elements argued above with reference to amended Claims 1, 16, and 31, Applicants respectfully contend that their respective dependent Claims 10-12, 25-27 and 39-41 are also allowable over Kuzma, Hoffert, and Thurlow.

CONCLUSION

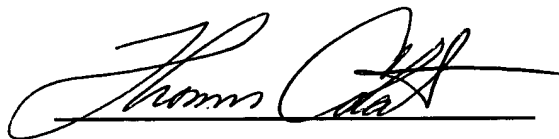
In light of the above listed remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-43 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: Nov. 28, 2005

A handwritten signature in black ink, appearing to read "Thomas Catale", written over a horizontal line.

Thomas M. Catale
Registration No.: 46,434

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, CA 95113

Phone: (408) 938-9060
Facsimile: (408) 938-9069